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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
	10/612,257	CHEN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Andre Boyce	3623				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>16 Ju</u>	ne 2010					
	action is non-final.					
	-					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	•					
4)⊠ Claim(s) <u>1-13 and 16-25</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-13 and 16-25</u> is/are rejected.						
7) Claim(s) is/are objected to.						
· · · · · · · · · · · · · · · · · · ·	8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:						

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/16/10 has been entered.

2. Claims 1 and 16 have been amended. Claims 14 and 15 have been canceled, while claims 23-25 have been added. Claims 1-13 and 16-25 are pending.

Claim Objections

Claim 7 is objected to because of the following informalities: Claim 7 recites
 "...the predetermined number is calculated by <u>system 10</u>..." It is unclear what
 "system 10" represents. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims include "[a] computer-readable medium...," however the specification does not seem to have support for any type of computer-readable medium.

Claim Rejections - 35 USC § 102

- 6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 7. Claims 1, 10, 11, 19, 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ojha et al. (U.S. Pub. No. 2002/0152104 A1).

As per claim 1, Ojha et al. disclose the method of updating a supply plan used to process customer requests in an available-to-promise (ATP) system (i.e., the ATP supply information is communicated to DF engine 22 in each HA system 20 in an HA system group before that system group goes on-line to become the operating HA system group. The ATP supply information may be stored by each HA system 20, ¶ 0026), the method comprising: a supply chain planning component of the ATP system updating a model of a supply chain (i.e. planning information) (paragraph [0006], lines 13-16 and paragraph [0027], lines 11-19) for one or more products sold by the ATP system (paragraph [0003], lines 11-14); the supply chain planning

component of the ATP system copying (i.e. replicating) a current supply plan used by the ATP system to process customer requests to create a second supply plan (paragraph [0027], lines 19-22) within the ATP system, wherein the second supply plan is different from the first supply plan (i.e., based on this demand information, planning engine 80 updates the amount of ATP supply for the next period at step 204 and communicates the updated ATP supply information to HA systems 20' of replacement HA system group 70b at step 206, ¶ 0047); thereafter, receiving a first plurality of customers requests at the ATP system and processing orders from the requests against the current supply plan with the ATP system (paragraph [0006], lines 7-9) while running the model of the supply chain with the second supply plan (i.e. uninterrupted service) as part of a process that creates a new (i.e. updated) supply plan in the ATP system (paragraph [0008], lines 8-13); after the new supply plan is created in the ATP system, an order processing component of the ATP system promising orders based on the new supply plan (i.e., based on this demand information, planning engine 80 updates the amount of ATP supply for the next period at step 204 and communicates the updated ATP supply information to HA systems 20' of replacement HA system group 70b at step 206, ¶ 0047) and a synchronization program of the ATP system synchronizing the new supply plan by processing with the ATP system orders from the first plurality of customer requests scheduled against the current supply plan into the new supply plan (paragraph [0046], lines 1-4), while continuing to promise orders based on the new supply plan (i.e., HA server 62 determines what product orders were processed by primary HA

system 20a after the extraction time ("post-extraction orders") at step 210, ¶ 0048), wherein the synchronizing process is stopped prior to synchronizing all the orders in the first plurality of requests into the new supply plan (instruct operating HA systems to terminate processing, step 216, and generation of a stop record indicating the last processed order and termination of operation of operating HA systems, step 218 in figure 5 and ¶ 0050); thereafter, temporarily stopping promising orders with the ATP system while synchronizing with the ATP system all remaining orders from the first plurality of requests not synchronized during the synchronizing process in the new supply plan (generating a stop record indicating the last order that was processed, step 218 and processing any remaining pre-termination orders and update ATP supply information, step 222, as seen in figure 5 and ¶ 0050); and after the remaining orders from the first plurality of requests are processed with the ATP system, replacing the current supply plan used by the ATP system with the new (i.e. updated) supply plan so that the ATP system processes future customer requests against the new (i.e. updated) supply plan (paragraph [0017], lines 6-10 and paragraph [0050], lines 6-12).

As per claim 10, Ojha et al. disclose pre-allocating products available for promising in the new supply plan in accordance with previously defined business objectives of an organization (i.e., a manufacturer may typically manufacture products before receiving customer orders. This production is typically based on forecasts of future customer demand. The supply of a product that is produced

based on a demand forecast may be referred to as "available-to-promise" (ATP) supply, ¶ 0003).

As per claim 11, Ojha et al. disclose after replacing the current supply plan with the new supply plan, receiving a second plurality of customer requests by the ATP system and promising orders from the second plurality of requests against the new supply plan (i.e., once replacement HA system group 70b is ready to come on-line, the ATP supply information stored in replacement HA systems 20' should be updated to account for promises made by operating primary HA system 20a after planning engine 80 extracted the ATP supply information, ¶ 0047).

As per claim 19, Ojha et al. disclose synchronizing a first subset of the second plurality of requests scheduled against the current supply plan into the new supply plan by processing the second plurality of request against the new supply plan (i.e., When replacement HA system group 70b is ready to come on-line, DF engine 22a' of replacement primary HA system 20a' requests a synchronization service from HA server 62 of database system 60 at step 208. HA server 62 determines what product orders were processed by primary HA system 20a after the extraction time ("post-extraction orders") at step 210, ¶ 0048).

As per claim 20, Ojha et al. disclose temporarily stopping promising orders (i.e. not online) (paragraph [0045], lines 6-11 and paragraph [0048], lines 1-4); and synchronizing all remaining requests from the second plurality of requests not synchronized during the synchronizing the first subset (paragraph [0050], lines 12-21).

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Claim 23 is rejected based upon the same rational as the rejection of claim 1, since it is the computer readable medium claim corresponding to the method claim.

Claim Rejections - 35 USC § 103

- 8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al. (U.S. Pub. No. 2002/0152104 A1) as applied to claim 1 above, in view of Bush Jr. (U.S. Pat. No. 6,486,899 B1).

As per claim 2, Ojha et al. does not disclose changing a pointer to the new supply plan and setting a flag associated with the new supply plan to indicate that the new supply plan is available for ATP processing. Bush Jr. teaches using notifications flags to display logistic information relating to supply plans (i.e. entities or distribution resources) in the supply chain (column 5, lines 6-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Ojha et al. with the feature of changing a pointer to the new supply plan and setting a flag associated with the new supply plan, as both Ojha et al. and Bush Jr., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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10. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al. (U.S. Pub. No. 2002/0152104 A1) as applied to claim 1 above, in view of AMR Consulting White Paper: "Planning for Tomorrow: A Tactical Approach to Supply Chain Innovation" (hereafter referred to as AMR Consulting).

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As per claims 3-5, Oiha et al. does not disclose an exception is generated if a promise made against the current supply plan cannot be made against the new supply plan, wherein the exception causes a message to be generated and available to a planner for processing, and wherein the exception causes a message to be sent to a planner for processing. AMR Consulting teaches an exception causing a message to be generated (i.e. automatic notification) and sent to a planner (i.e. decision makers) for processing if a promise made against the current supply plan cannot be made against the new supply plan (i.e. when business events diverge from planning targets) (page 18, paragraph 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Ojha et al. with the feature of an exception to cause a message to be generated and sent to a planner for processing as taught by AMR Consulting, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

11. Claims 6, 7, 21, 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al. (U.S. Pub. No. 2002/0152104 A1) as applied to claim 1 above, in view of Brichta (U.S. Pat. No. 5,864,483).

As per claims 6 and 7, Ojha et al. does not explicitly disclose stopping synchronization when it is determined that a predetermined number of requests still need to be synchronized, and wherein the predetermined number is calculated by a system based on an average time of synchronizing each request and a desired system downtime entered by a planner. Brichta teaches alerting a planner (i.e. provider) when services or products are approaching unacceptable levels relative to predetermined number of requests (i.e. predetermined criteria) (column 1, lines 61-66), wherein the predetermined number (i.e. predetermined criteria) is calculated by a system (column 7, lines 10-14) using statistical information including average time (i.e. mean) (column 2, lines 2-13, column 7, lines 20-28) based on each request and a desired system downtime (i.e. service information) (column 7, lines 14-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Ojha et al. with the feature of stopping synchronization (i.e. appropriate action) (column 2, lines 14-17) when it is determined that a predetermined number of requests still need to be synchronized, wherein the predetermined number is calculated by a system based on an average time (i.e. mean) of synchronizing each request and a desired system downtime entered by a planner (i.e. provider), as seen in Brichta, since the claimed invention is merely a combination of old elements, and in the combination each element merely

would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claims 21 and 22, Ojha et al does not explicitly disclose wherein the synchronization process is stopped prior to synchronizing a predetermined number of orders remaining in the first plurality of requests taken after a predetermined time, and wherein the synchronization process is stopped prior to synchronizing a predetermined number of orders in the first plurality of requests based on a predetermined percentage of orders that can be processed in a predetermined period of time.

Brichta teaches alerting a planner (i.e. provider) when services or products are approaching unacceptable levels relative to predetermined number of requests (i.e. predetermined criteria) (column 1, lines 61-66), wherein the predetermined number (i.e. predetermined criteria) is calculated by a system (column 7, lines 10-14) using statistical information including average time (i.e. mean) (column 2, lines 2-13, column 7, lines 20-28) based on each request and a desired system downtime (i.e. service information) (column 7, lines 14-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Ojha et al. with the features of the synchronization process is stopped prior to synchronizing a predetermined number of orders remaining in the first plurality of requests taken after a predetermined time, and wherein the synchronization process is stopped prior to synchronization process is stopped prior to synchronizing a predetermined number

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of orders in the first plurality of requests based on a predetermined percentage of orders that can be processed in a predetermined period of time, as seen in Brichta, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 24 and 25 are rejected based upon the same rational as the rejections of claims 21 and 22, respectively, since they are the computer readable medium claims corresponding to the method claims.

12. Claims 8 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al. (U.S. Pub. No. 2002/0152104 A1) as applied to claim 1 above, in view of Syed et al. (U.S. Pat. No. 6,105,030).

As per claim 8, Ojha et al. does not disclose prior to running the model, capturing a snapshot of data representing actual sales and promised requests for use in the creation of the new supply plan. Syed et al. teaches obtaining a snapshot time from a database server to return data that reflects a database state associated with the snapshot time (column 1, lines 55-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Ojha et al. with the feature of capturing a snapshot of data representing actual sales and promised requests as taught by Syed et al., since the claimed invention is merely a combination of old elements, and in the combination each

element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 9, Ojha et al. does not disclose creating a summary table from the new supply plan that can be used by the ATP system to quickly retrieve summarized availability information without computing availability from more detailed supply and demand tables. Syed et al. teaches relational database storing data in tables (column 5, lines 8-10), wherein desired tables containing information required by a memory based planner are identified (column 5, lines 15-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Ojha et al. with the feature of creating a summary table from the new supply plan as taught by Syed et al., since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. Claim 12, 13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojha et al. (U.S. Pub. No. 2002/0152104 A1) as applied to claim 1 above, and further in view of Aram (U.S. Pub. No. 2002/0072988 A1).

As per claims 12, 13 and 18, Ojha et al does not disclose stopping the synchronizing process when a number of outstanding orders not synchronized into

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the new plan reaches a threshold number of orders in the first plurality of requests, wherein the threshold number is a user defined limit. Aram teaches assisting identification at which there is a risk of a level of outstanding orders (i.e. customer demand data) falling below a threshold value (paragraph [0065], lines 1-12), wherein the outstanding orders (i.e. customer demand data) is a user defined threshold (i.e. input by user) (paragraph [0066], lines 3-5). Therefore, it would have been obvious for one having ordinary skill at the time the invention was made to combine the method taught by Ojha et al. with the feature stopping the synchronizing process when a number of outstanding orders not synchronized into the new plan reaches a threshold number of orders in the first plurality of requests, wherein the threshold number is a user defined limit as taught by Aram, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 16, Ojha et al. disclose the method of updating a supply plan and available-to-promise system for processing customer requests, the system comprising: a supply chain planning component (i.e. Advanced Planning and Scheduling engine) configured to allow a planner to update (i.e. modify) (paragraph [006], lines 1-9) a model of a supply chain (i.e. planning information) for one or more products sold by the ATP system paragraph (paragraph [0003], lines 11-14); an order promising component (i.e. Advanced Planning and Scheduling engine)

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configured to allow a planner to update an old supply plan used to process requests with a new supply plan (paragraph [0006], lines 13-16, paragraph [0008], lines 8-13) by (i) copying (i.e. replicating) a current supply plan used by the ATP system to process customer requests to create a second supply plan (paragraph [0027], lines 19-22); (ii) thereafter, receiving a first plurality of customer requests at the ATP system and promising orders from the first plurality of requests against the current supply plan (paragraph [0006], lines 7-9) while the ATP system runs the model of the supply chain process with the second supply plan (i.e. uninterrupted service) as part of a process that creates a new supply plan (paragraph [0008], lines 8-13); (iii) after the new supply plan is created, synchronizing orders from the first plurality of customer requests scheduled against the current supply plan into the new supply plan (paragraph [0046], lines 1-4); stopping synchronization of orders of the first plurality of customer requests prior to synchronizing all the orders of the first plurality of customer requests (instruct operating HA systems to terminate processing, step 216, and generation of a stop record indicating the last processed order and termination of operation of operating HA systems, step 218 in figure 5 and ¶ 0050) while continuing to process new customer requests received at the ATP system against the new supply plan (i.e., HA server 62 determines what product orders were processed by primary HA system 20a after the extraction time ("post-extraction" orders") at step 210, ¶ 0048); thereafter, temporarily stopping promising orders from new customer requests received at the ATP system while checking all remaining orders from the first plurality of requests not checked during the synchronizing

process against the new supply plan (generating a stop record indicating the last order that was processed, step 218 and processing any remaining pre-termination orders and update ATP supply information, step 222, as seen in figure 5 and ¶ 0050); and (v) after the remaining orders from the first plurality of requests are processed, switching the new plan supply for the current supply plan so that the ATP system can process future customer requests against the new supply plan (paragraph [0017], lines 6-10 and paragraph [0050], lines 6-12).

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However, Ojha et al. does not disclose processing a first subset of the plurality of customer requests against the new supply plan until a threshold number of orders in the first plurality of requests is reaches. Aram teaches assisting identification at which there is a risk of a level of outstanding orders (i.e. customer demand data) falling below a threshold value (paragraph [0065], lines 1-12), wherein the outstanding orders (i.e. customer demand data) is a user defined threshold (i.e. input by user) (paragraph [0066], lines 3-5). Therefore, it would have been obvious for one having ordinary skill at the time the invention was made to combine the method taught by Ojha et al. with the feature processing a first subset of the plurality of customer requests against the new supply plan until a threshold number of orders in the first plurality of requests is reaches as taught by Aram, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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As per claim 17, Ojha et al. disclose a demand planning component (i.e. demand fulfillment engine) configured to allow a planner to create a demand plan (paragraph [0019], lines 7-14 and paragraph [0024], lines 10-14) that can be used by the supply chain planning component to model a supply chain (paragraph [0019], lines 14-18).

Response to Arguments

14. In the Remarks, Applicant argues that Ojha et al fails to disclose a synchronization program synchronizing a new supply plan with a current supply plan while continuing to process orders. The Examiner respectfully disagrees.

Ojha et al disclose updating planning information and synchronizing that planning information between an operating HA system 20a and a replacement HA system 20a', wherein The change information may include actual planning information, such as ATP supply information, or information reflecting changes made to the planning information by HA systems 20 over a certain time period. The time at which the extraction takes place is stored in a synchronization table in database 64 or in any other suitable format and/or location (¶ 0046). In addition, Ojha et al disclose HA server 62 determines what product orders were processed by primary HA system 20a after the extraction time ("post-extraction orders") at step 210 (¶ 0048).

Applicant also argues Ojha does not disclose, expressly or inherently, an available-to- promise system or other system using such a synchronization as part of a process to replace a supply plan in use by the ATP system. Rather, Ojha is

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directed to replacing the systems, not supply plans used in any one of the systems.

The Examiner respectfully disagrees and submits Applicant has misinterpreted Ojha.

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Actually, Ojha discloses although multiple HA systems 20 and 20' are included in each system group 70, in particular embodiments each system group 70 may only include one HA system 20 or 20'. As described above, ATP supply information and/or other appropriate planning information generated by one or more planning engines 80 may be communicated to the DF engine 22 in each HA system 20 in replacement HA system group 70b before that system group goes on-line to become the operating HA system group 70a. Planning engine 80 may generate such planning information on a periodic or other suitable basis. As an example only, planning engine 80 may perform master demand planning at the end of a day to determine the amount of ATP supply that may be promised by HA systems 20 during the next day (based in part on the amount promised by HA systems 20 during the previous day). When this ATP supply information or other planning information is generated, the information currently stored in memory by HA systems 20 in operating HA system group 70a needs to be updated. Since it is preferable to perform this updating while HA systems 20 in HA system group 70a are off-line, architecture 10 provides a mechanism to allow operating HA system group 70a to be seamlessly replaced by replacement HA system group 70b, which has already received and stored the updated planning information from planning engine 80 (¶ 0045). As such, Ojha indeed discloses an available-to- promise system or other

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system using such synchronization as part of a process to replace a supply plan in use by the ATP system.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information As per the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/ Primary Examiner, Art Unit 3623 August 15, 2010